

PRELIMINARY DRAFT

TEXAS LEGISLATIVE COUNCIL
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Procedure
Chapter 7B
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1 CHAPTER 7B. PROTECTIVE ORDERS

2 SUBCHAPTER A. PROTECTIVE ORDER FOR VICTIMS OF SEXUAL ASSAULT OR
3 ABUSE, STALKING, OR TRAFFICKING

4 Revised Law

5 Art. 7B.001. APPLICATION FOR PROTECTIVE ORDER. (a) The
6 following persons may file an application for a protective order
7 under this subchapter without regard to the relationship between
8 the applicant and the alleged offender:

9 (1) a person who is the victim of an offense under
10 Section 21.02, 21.11, 22.011, 22.021, or 42.072, Penal Code;

11 (2) a person who is the victim of an offense under
12 Section 20A.02, 20A.03, or 43.05, Penal Code;

13 (3) a parent or guardian acting on behalf of a person
14 younger than 17 years of age who is the victim of an offense listed
15 in Subdivision (1);

16 (4) a parent or guardian acting on behalf of a person
17 younger than 18 years of age who is the victim of an offense listed
18 in Subdivision (2); or

19 (5) a prosecuting attorney acting on behalf of a
20 person described by Subdivision (1), (2), (3), or (4).

21 (b) An application for a protective order under this
22 subchapter may be filed in:

23 (1) a district court, juvenile court having the
24 jurisdiction of a district court, statutory county court, or
25 constitutional county court in:

26 (A) the county in which the applicant resides;

27 (B) the county in which the alleged offender
28 resides; or

29 (C) any county in which an element of the alleged
30 offense occurred; or

31 (2) any court with jurisdiction over a protective
32 order under Title 4, Family Code, involving the same parties named
33 in the application. (Code Crim. Proc., Art. 7A.01.)

Source Law

Art. 7A.01. APPLICATION FOR PROTECTIVE ORDER.

(a) The following persons may file an application for a protective order under this chapter without regard to the relationship between the applicant and the alleged offender:

(1) a person who is the victim of an offense under Section 21.02, 21.11, 22.011, 22.021, or 42.072, Penal Code;

(2) a person who is the victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code;

(3) a parent or guardian acting on behalf of a person younger than 17 years of age who is the victim of an offense listed in Subdivision (1);

(4) a parent or guardian acting on behalf of a person younger than 18 years of age who is the victim of an offense listed in Subdivision (2); or

(5) a prosecuting attorney acting on behalf of a person described by Subdivision (1), (2), (3), or (4).

(b) An application for a protective order under this chapter may be filed in:

(1) a district court, juvenile court having the jurisdiction of a district court, statutory county court, or constitutional county court in:

resides; (A) the county in which the applicant

(B) the county in which the alleged offender resides; or

(C) any county in which an element of the alleged offense occurred; or

(2) any court with jurisdiction over a protective order under Title 4, Family Code, involving the same parties named in the application.

Revised Law

Art. 7B.002. TEMPORARY EX PARTE ORDER. If the court finds

from the information contained in an application for a protective

order that there is a clear and present danger of sexual assault or

abuse, stalking, trafficking, or other harm to the applicant, the

court, without further notice to the alleged offender and without a

hearing, may issue a temporary ex parte order for the protection of

the applicant or any other member of the applicant's family or

household. (Code Crim. Proc., Art. 7A.02.)

Source Law

Art. 7A.02. TEMPORARY EX PARTE ORDER. If the court finds from the information contained in an application for a protective order that there is a clear and present danger of sexual assault or abuse, stalking, trafficking, or other harm to the applicant, the court, without further notice to the alleged offender and without a hearing, may enter a temporary ex parte order for the protection of the applicant or any other member of the applicant's family or household.

1 Revisor's Note

2 Article 7A.02, Code of Criminal Procedure,
3 provides that a judge may "enter" a temporary ex parte
4 order. The revised law substitutes "issue" for
5 "enter" because in context the terms are synonymous
6 and "issue" is more commonly used.

7 Revised Law

8 Art. 7B.003. REQUIRED FINDINGS; ISSUANCE OF PROTECTIVE
9 ORDER. (a) At the close of a hearing on an application for a
10 protective order under this subchapter, the court shall find
11 whether there are reasonable grounds to believe that the applicant
12 is the victim of sexual assault or abuse, stalking, or trafficking.

13 (b) If the court finds that there are reasonable grounds to
14 believe that the applicant is the victim of sexual assault or abuse,
15 stalking, or trafficking, the court shall issue a protective order
16 that includes a statement of the required findings. (Code Crim.
17 Proc., Art. 7A.03.)

18 Source Law

19 Art. 7A.03. REQUIRED FINDINGS; ISSUANCE OF
20 PROTECTIVE ORDER. (a) At the close of a hearing on an
21 application for a protective order under this chapter,
22 the court shall find whether there are reasonable
23 grounds to believe that the applicant is the victim of
24 sexual assault or abuse, stalking, or trafficking.

25 (b) If the court makes a finding described by
26 Subsection (a), the court shall issue a protective
27 order that includes a statement of the required
28 findings.

29 Revisor's Note

30 Article 7A.03(b), Code of Criminal Procedure,
31 requires a court to issue a protective order if the
32 court "makes a finding described by Subsection (a)."
33 The revised law substitutes "finds that there are
34 reasonable grounds to believe that the applicant is
35 the victim of sexual assault or abuse, stalking, or
36 trafficking" for the quoted language for clarity and
37 to more accurately describe the finding that is
38 required to trigger the issuance of the protective

1 order.

2 Revised Law

3 Art. 7B.004. HEARSAY STATEMENT OF CHILD VICTIM. In a
4 hearing on an application for a protective order under this
5 subchapter, a statement that is made by a child younger than 14
6 years of age who is the victim of an offense under Section 21.02,
7 21.11, 22.011, or 22.021, Penal Code, and that describes the
8 offense committed against the child is admissible as evidence in
9 the same manner that a child's statement regarding alleged abuse
10 against the child is admissible under Section 104.006, Family Code,
11 in a suit affecting the parent-child relationship. (Code Crim.
12 Proc., Art. 7A.035.)

13 Source Law

14 Art. 7A.035. HEARSAY STATEMENT OF CHILD VICTIM.
15 In a hearing on an application for a protective order
16 under this chapter, a statement that is made by a child
17 younger than 14 years of age who is the victim of an
18 offense under Section 21.02, 21.11, 22.011, or 22.021,
19 Penal Code, and that describes the offense committed
20 against the child is admissible as evidence in the same
21 manner that a child's statement regarding alleged
22 abuse against the child is admissible under Section
23 104.006, Family Code, in a suit affecting the
24 parent-child relationship.

25 Revised Law

26 Art. 7B.005. CONDITIONS SPECIFIED BY PROTECTIVE ORDER. (a)
27 In a protective order issued under this subchapter, the court may:

28 (1) order the alleged offender to take action as
29 specified by the court that the court determines is necessary or
30 appropriate to prevent or reduce the likelihood of future harm to
31 the applicant or a member of the applicant's family or household; or

32 (2) prohibit the alleged offender from:

33 (A) communicating:

34 (i) directly or indirectly with the
35 applicant or any member of the applicant's family or household in a
36 threatening or harassing manner; or

37 (ii) in any manner with the applicant or any
38 member of the applicant's family or household except through the
39 applicant's attorney or a person appointed by the court, if the

1 court finds good cause for the prohibition;

2 (B) going to or near the residence, place of
3 employment or business, or child-care facility or school of the
4 applicant or any member of the applicant's family or household;

5 (C) engaging in conduct directed specifically
6 toward the applicant or any member of the applicant's family or
7 household, including following the person, that is reasonably
8 likely to harass, annoy, alarm, abuse, torment, or embarrass the
9 person; and

10 (D) possessing a firearm, unless the alleged
11 offender is a peace officer, as defined by Section 1.07, Penal Code,
12 actively engaged in employment as a sworn, full-time paid employee
13 of a state agency or political subdivision.

14 (b) In a protective order that includes a condition
15 described by Subsection (a)(2)(B), the court shall specifically
16 describe each prohibited location and the minimum distance from the
17 location, if any, that the alleged offender must maintain. This
18 subsection does not apply to a protective order with respect to
19 which the court has received a request to maintain confidentiality
20 of information revealing the locations.

21 (c) In a protective order, the court may suspend a license
22 to carry a handgun issued under Section 411.177, Government Code,
23 that is held by the alleged offender. (Code Crim. Proc., Art.
24 7A.05.)

25 Source Law

26 Art. 7A.05. CONDITIONS SPECIFIED BY ORDER. (a)
27 In a protective order issued under this chapter, the
28 court may:

29 (1) order the alleged offender to take
30 action as specified by the court that the court
31 determines is necessary or appropriate to prevent or
32 reduce the likelihood of future harm to the applicant
33 or a member of the applicant's family or household; or

34 (2) prohibit the alleged offender from:

35 (A) communicating:

36 (i) directly or indirectly with
37 the applicant or any member of the applicant's family
38 or household in a threatening or harassing manner; or

39 (ii) in any manner with the
40 applicant or any member of the applicant's family or
41 household except through the applicant's attorney or a
42 person appointed by the court, if the court finds good

1 cause for the prohibition;

2 (B) going to or near the residence,
3 place of employment or business, or child-care
4 facility or school of the applicant or any member of
5 the applicant's family or household;

6 (C) engaging in conduct directed
7 specifically toward the applicant or any member of the
8 applicant's family or household, including following
9 the person, that is reasonably likely to harass,
10 annoy, alarm, abuse, torment, or embarrass the person;
11 and

12 (D) possessing a firearm, unless the
13 alleged offender is a peace officer, as defined by
14 Section 1.07, Penal Code, actively engaged in
15 employment as a sworn, full-time paid employee of a
16 state agency or political subdivision.

17 (b) In an order under Subsection (a)(2)(B), the
18 court shall specifically describe each prohibited
19 location and the minimum distance from the location,
20 if any, that the alleged offender must maintain. This
21 subsection does not apply to an order with respect to
22 which the court has received a request to maintain
23 confidentiality of information revealing the
24 locations.

25 (c) In a protective order, the court may suspend
26 a license to carry a handgun issued under Section
27 411.177, Government Code, that is held by the alleged
28 offender.

29 Revisor's Note

30 Article 7A.05(b), Code of Criminal Procedure,
31 refers to an order "under" Subsection (a)(2)(B) of
32 that article. However, Article 7A.05(a)(2)(B), Code
33 of Criminal Procedure, merely describes certain
34 conditions the court may require for a protective
35 order issued under Article 7A.03, Code of Criminal
36 Procedure. The revised law substitutes "that includes
37 a condition described by" for "under" for clarity and
38 to more accurately describe the content of Article
39 7A.05(a)(2)(B), Code of Criminal Procedure.

40 Revised Law

41 Art. 7B.006. WARNING ON PROTECTIVE ORDER. (a) Each
42 protective order issued under this subchapter, including a
43 temporary ex parte order, must contain the following prominently
44 displayed statements in boldfaced type, in capital letters, or
45 underlined:

46 "A PERSON WHO VIOLATES THIS ORDER MAY BE PUNISHED FOR
47 CONTEMPT OF COURT BY A FINE OF AS MUCH AS \$500 OR BY CONFINEMENT IN
48 JAIL FOR AS LONG AS SIX MONTHS, OR BOTH."

1 "NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS
2 ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY
3 PROVISION OF THIS ORDER. DURING THE TIME IN WHICH THIS ORDER IS
4 VALID, EVERY PROVISION OF THIS ORDER IS IN FULL FORCE AND EFFECT
5 UNLESS A COURT CHANGES THE ORDER."

6 "IT IS UNLAWFUL FOR ANY PERSON, OTHER THAN A PEACE OFFICER, AS
7 DEFINED BY SECTION 1.07, PENAL CODE, ACTIVELY ENGAGED IN EMPLOYMENT
8 AS A SWORN, FULL-TIME PAID EMPLOYEE OF A STATE AGENCY OR POLITICAL
9 SUBDIVISION, WHO IS SUBJECT TO A PROTECTIVE ORDER TO POSSESS A
10 FIREARM OR AMMUNITION."

11 (b) Each protective order issued under this subchapter,
12 except for a temporary ex parte order, must contain the following
13 prominently displayed statement in boldfaced type, in capital
14 letters, or underlined:

15 "A VIOLATION OF THIS ORDER BY COMMISSION OF AN ACT PROHIBITED
16 BY THE ORDER MAY BE PUNISHABLE BY A FINE OF AS MUCH AS \$4,000 OR BY
17 CONFINEMENT IN JAIL FOR AS LONG AS ONE YEAR, OR BOTH. AN ACT THAT
18 RESULTS IN A SEPARATE OFFENSE MAY BE PROSECUTED AS A SEPARATE
19 OFFENSE IN ADDITION TO A VIOLATION OF THIS ORDER." (Code Crim.
20 Proc., Art. 7A.06.)

21 Source Law

22 Art. 7A.06. WARNING ON PROTECTIVE ORDER. (a)
23 Each protective order issued under this chapter,
24 including a temporary ex parte order, must contain the
25 following prominently displayed statements in
26 boldfaced type, capital letters, or underlined:

27 "A PERSON WHO VIOLATES THIS ORDER MAY BE PUNISHED
28 FOR CONTEMPT OF COURT BY A FINE OF AS MUCH AS \$500 OR BY
29 CONFINEMENT IN JAIL FOR AS LONG AS SIX MONTHS, OR
30 BOTH."

31 "NO PERSON, INCLUDING A PERSON WHO IS PROTECTED
32 BY THIS ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE
33 OR VIOLATE ANY PROVISION OF THIS ORDER. DURING THE TIME
34 IN WHICH THIS ORDER IS VALID, EVERY PROVISION OF THIS
35 ORDER IS IN FULL FORCE AND EFFECT UNLESS A COURT
36 CHANGES THE ORDER."

37 "IT IS UNLAWFUL FOR ANY PERSON, OTHER THAN A PEACE
38 OFFICER, AS DEFINED BY SECTION 1.07, PENAL CODE,
39 ACTIVELY ENGAGED IN EMPLOYMENT AS A SWORN, FULL-TIME
40 PAID EMPLOYEE OF A STATE AGENCY OR POLITICAL
41 SUBDIVISION, WHO IS SUBJECT TO A PROTECTIVE ORDER TO
42 POSSESS A FIREARM OR AMMUNITION."

43 (b) Each protective order issued under this
44 chapter, except for a temporary ex parte order, must
45 contain the following prominently displayed statement
46 in boldfaced type, capital letters, or underlined:

1 "A VIOLATION OF THIS ORDER BY COMMISSION OF AN ACT
2 PROHIBITED BY THE ORDER MAY BE PUNISHABLE BY A FINE OF
3 AS MUCH AS \$4,000 OR BY CONFINEMENT IN JAIL FOR AS LONG
4 AS ONE YEAR, OR BOTH. AN ACT THAT RESULTS IN A SEPARATE
5 OFFENSE MAY BE PROSECUTED AS A SEPARATE OFFENSE IN
6 ADDITION TO A VIOLATION OF THIS ORDER."

7 Revised Law

8 Art. 7B.007. DURATION OF PROTECTIVE ORDER; RESCISSION. (a)

9 A protective order issued under Article 7B.003 may be effective for
10 the duration of the lives of the offender and victim or for any
11 shorter period stated in the order. If a period is not stated in the
12 order, the order is effective until the second anniversary of the
13 date the order was issued.

14 (b) The following persons may file at any time an
15 application with the court to rescind the protective order:

16 (1) a victim of an offense listed in Article
17 7B.001(a)(1) who is 17 years of age or older or a parent or guardian
18 acting on behalf of a victim who is younger than 17 years of age; or

19 (2) a victim of an offense listed in Article
20 7B.001(a)(2) or a parent or guardian acting on behalf of a victim
21 who is younger than 18 years of age.

22 (c) To the extent of any conflict with Section 85.025,
23 Family Code, this article prevails. (Code Crim. Proc., Art.
24 7A.07.)

25 Source Law

26 Art. 7A.07. DURATION OF PROTECTIVE ORDER. (a)
27 A protective order issued under Article 7A.03 may be
28 effective for the duration of the lives of the offender
29 and victim or for any shorter period stated in the
30 order. If a period is not stated in the order, the
31 order is effective until the second anniversary of the
32 date the order was issued.

33 (b) The following persons may file at any time
34 an application with the court to rescind the
35 protective order:

36 (1) a victim of an offense listed in
37 Article 7A.01(a)(1) who is 17 years of age or older or
38 a parent or guardian acting on behalf of a victim who
39 is younger than 17 years of age; or

40 (2) a victim of an offense listed in
41 Article 7A.01(a)(2) or a parent or guardian acting on
42 behalf of a victim who is younger than 18 years of age.

43 (d) To the extent of any conflict with Section
44 85.025, Family Code, this article prevails.

45 Revised Law

46 Art. 7B.008. APPLICATION OF OTHER LAW. To the extent

1 applicable, except as otherwise provided by this subchapter, Title
2 4, Family Code, applies to a protective order issued under this
3 subchapter. (Code Crim. Proc., Art. 7A.04.)

4 Source Law

5 Art. 7A.04. APPLICATION OF OTHER LAW. To the
6 extent applicable, except as otherwise provided by
7 this chapter, Title 4, Family Code, applies to a
8 protective order issued under this chapter.

9 SUBCHAPTER B. STALKING PROTECTIVE ORDER

10 Revised Law

11 Art. 7B.051. REQUEST FOR PROTECTIVE ORDER. (a) At any
12 proceeding related to an offense under Section 42.072, Penal Code,
13 in which the defendant appears before the court, a person may
14 request the court to issue a protective order under Title 4, Family
15 Code, for the protection of the person.

16 (b) The request under Subsection (a) is made by filing an
17 application for a protective order in the same manner as an
18 application for a protective order under Title 4, Family Code.
19 (Code Crim. Proc., Art. 6.09(a).)

20 Source Law

21 Art. 6.09. STALKING PROTECTIVE ORDER. (a) At
22 any proceeding related to an offense under Section
23 42.072, Penal Code, in which the defendant appears
24 before the court, a person may request the court to
25 render a protective order under Title 4, Family Code,
26 for the protection of the person. The request is made
27 by filing "An Application for a Protective Order" in
28 the same manner as an application for a protective
29 order under Title 4, Family Code.

30 Revisor's Note

31 Article 6.09(a), Code of Criminal Procedure,
32 refers to a request for a court to "render" a
33 protective order. Throughout this chapter, the
34 revised law substitutes "issue" for "render" because
35 in context the terms are synonymous and "issue" is more
36 commonly used.

37 Revised Law

38 Art. 7B.052. REQUIRED FINDINGS; ISSUANCE OF PROTECTIVE
39 ORDER. The court shall issue a protective order in the manner

1 provided by Title 4, Family Code, if, in lieu of the finding that
2 family violence occurred and is likely to occur in the future as
3 required by Section 85.001, Family Code, the court finds that:

4 (1) probable cause exists to believe that an offense
5 under Section 42.072, Penal Code, was committed; and

6 (2) the nature of the scheme or course of conduct
7 engaged in by the defendant in committing the offense indicates the
8 defendant is likely in the future to engage in conduct prohibited by
9 Section 42.072(a)(1), (2), or (3), Penal Code. (Code Crim. Proc.,
10 Art. 6.09(b).)

11 Source Law

12 (b) The court shall render a protective order in
13 the manner provided by Title 4, Family Code, if, in
14 lieu of the finding that family violence occurred and
15 is likely to occur in the future as required by Section
16 85.001, Family Code, the court finds that probable
17 cause exists to believe that an offense under Section
18 42.072, Penal Code, occurred and that the nature of the
19 scheme or course of conduct engaged in by the defendant
20 in the commission of the offense indicates that the
21 defendant is likely to engage in the future in conduct
22 prohibited by Section 42.072(a)(1), (2), or (3), Penal
23 Code.

24 Revised Law

25 Art. 7B.053. ENFORCEMENT. The procedure for the
26 enforcement of a protective order under Title 4, Family Code,
27 applies to the fullest extent practicable to the enforcement of a
28 protective order under this subchapter, including provisions
29 relating to findings, contents, duration, warning, delivery, law
30 enforcement duties, and modification. (Code Crim. Proc., Art.
31 6.09(c).)

32 Source Law

33 (c) The procedure for the enforcement of a
34 protective order under Title 4, Family Code, applies
35 to the fullest extent practicable to the enforcement
36 of a protective order under this article, including
37 provisions relating to findings, contents, duration,
38 warning, delivery, law enforcement duties, and
39 modification.

1 SUBCHAPTER C. PROTECTIVE ORDER PROHIBITING OFFENSE MOTIVATED BY
2 BIAS OR PREJUDICE

3 Revised Law

4 Art. 7B.101. REQUEST FOR PROTECTIVE ORDER. A person may
5 request the court to issue a protective order under Title 4, Family
6 Code, for the protection of the person at any proceeding:

7 (1) in which the defendant appears in constitutional
8 county court, statutory county court, or district court;

9 (2) that is related to an offense under Title 5, Penal
10 Code, or Section 28.02, 28.03, or 28.08, Penal Code; and

11 (3) in which it is alleged that the defendant
12 committed the offense because of bias or prejudice as described by
13 Article 42.014. (Code Crim. Proc., Art. 6.08(a).)

14 Source Law

15 Art. 6.08. PROTECTIVE ORDER PROHIBITING OFFENSE
16 CAUSED BY BIAS OR PREJUDICE. (a) At any proceeding in
17 which the defendant appears in constitutional county
18 court, statutory county court, or district court that
19 is related to an offense under Title 5, Penal Code, or
20 Section 28.02, 28.03, or 28.08, Penal Code, in which it
21 is alleged that the defendant committed the offense
22 because of bias or prejudice as described by Article
23 42.014, a person may request the court to render a
24 protective order under Title 4, Family Code, for the
25 protection of the person.

26 Revised Law

27 Art. 7B.102. REQUIRED FINDINGS; ISSUANCE OF PROTECTIVE
28 ORDER. The court shall issue a protective order in the manner
29 provided by Title 4, Family Code, if, in lieu of the finding that
30 family violence occurred and is likely to occur in the future as
31 required by Section 85.001, Family Code, the court finds that:

32 (1) probable cause exists to believe that an offense
33 under Title 5, Penal Code, or Section 28.02, 28.03, or 28.08, Penal
34 Code, was committed;

35 (2) the defendant committed the offense because of
36 bias or prejudice; and

37 (3) the nature of the scheme or course of conduct
38 engaged in by the defendant in committing the offense indicates the
39 defendant is likely in the future to:

1 (A) engage in conduct prohibited by Title 5,
2 Penal Code, or Section 28.02, 28.03, or 28.08, Penal Code; and

3 (B) engage in that conduct described by Paragraph
4 (A) because of bias or prejudice. (Code Crim. Proc., Art. 6.08(b).)

5 Source Law

6 (b) The court shall render a protective order in
7 the manner provided by Title 4, Family Code, if, in
8 lieu of the finding that family violence occurred and
9 is likely to occur in the future as required by Section
10 85.001, Family Code, the court finds that probable
11 cause exists to believe that an offense under Title 5,
12 Penal Code, or Section 28.02, 28.03, or 28.08, Penal
13 Code, occurred, that the defendant committed the
14 offense because of bias or prejudice, and that the
15 nature of the scheme or course of conduct engaged in by
16 the defendant in the commission of the offense
17 indicates that the defendant is likely to engage in the
18 future in conduct prohibited by Title 5, Penal Code, or
19 Section 28.02, 28.03, or 28.08, Penal Code, and
20 committed because of bias or prejudice.

21 Revised Law

22 Art. 7B.103. ENFORCEMENT. The procedure for the
23 enforcement of a protective order under Title 4, Family Code,
24 applies to the fullest extent practicable to the enforcement of a
25 protective order under this subchapter, including provisions
26 relating to findings, contents, duration, warning, delivery, law
27 enforcement duties, and modification, except that:

28 (1) the printed statement on the warning must refer to
29 the prosecution of subsequent offenses committed because of bias or
30 prejudice;

31 (2) the court shall require a constable to serve a
32 protective order issued under this subchapter; and

33 (3) the clerk of the court shall forward a copy of a
34 protective order issued under this subchapter to the Department of
35 Public Safety with a designation indicating that the order was
36 issued to prevent offenses committed because of bias or prejudice.
37 (Code Crim. Proc., Art. 6.08(c).)

38 Source Law

39 (c) The procedure for the enforcement of a
40 protective order under Title 4, Family Code, applies
41 to the fullest extent practicable to the enforcement
42 of a protective order under this article, including
43 provisions relating to findings, contents, duration,

1 warning, delivery, law enforcement duties, and
2 modification, except that:

3 (1) the printed statement on the warning
4 must refer to the prosecution of subsequent offenses
5 committed because of bias or prejudice;

6 (2) the court shall require a constable to
7 serve a protective order issued under this article;
8 and

9 (3) the clerk of the court shall forward a
10 copy of a protective order issued under this article to
11 the Department of Public Safety with a designation
12 indicating that the order was issued to prevent
13 offenses committed because of bias or prejudice.

14 Revised Law

15 Art. 7B.104. REPORTING. For an original or modified
16 protective order issued under this subchapter, on receipt of the
17 order from the clerk of the court, a law enforcement agency shall
18 immediately, but not later than the 10th day after the date the
19 order is received, enter the information required by Section
20 411.042(b)(6), Government Code, into the statewide law enforcement
21 information system maintained by the Department of Public Safety.
22 (Code Crim. Proc., Art. 6.08(d).)

23 Source Law

24 (d) For an original or modified protective order
25 rendered under this article, on receipt of the order
26 from the clerk of the court, a law enforcement agency
27 shall immediately, but not later than the 10th day
28 after the date the order is received, enter the
29 information required by Section 411.042(b)(6),
30 Government Code, into the statewide law enforcement
31 information system maintained by the Department of
32 Public Safety.